HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.20346 of 2006

Between:

Sivaganga Purified Water rep. By its Secretary, Smt.Y. Jayanthi, Kadapa.

... Petitioner

And

Kadapa Municipal Corporation, rep. By its Commissioner, Kadapa.

... Respondent

:: ORDER::

Counsel for the Petitioner: Shri Rajareddy Koneti

October 09, 2006

Per G.S. Singhvi, CJ

The petitioner has sought intervention of the Court for quashing the proceedings in Rc.No.4160/F1/06 dated 14-09-2006 issued by Commissioner, Kadapa Municipal Corporation for closure of the water packaging unit run by it on the ground that the same does not have ISI standards.

In the affidavit filed by Sri Yerangula Jayanthi, Secretary of the petitioner society, it has been averred that even though the application made by the petitioner for BIS certification is pending, the authorities of Kadapa Municipal Corporation seized the water packaging unit and forced its closure only on the ground of not having ISI standard.

We have heard Shri Raja Reddy Koneti and perused the record. Since the petitioner has not denied the fact that it does not have the BIS certification, we cannot issue a direction to the respondent to allow it to operate the water packaging unit as an interim measure till the disposal of application made for issue of BIS certification. In our considered view, any such direction by the Court would be contrary to the provisions of the Indian Standards Act and the revised norms laid down for grant of BIS certification.

With the above observations, the writ petition is dismissed. However, liberty is given to the petitioner to apply to the concerned authority of Kadapa Municipality to allow it to undertake manufacture of packaged drinking water after obtaining the required BIS certificate.

As a sequel to dismissal of the writ petition, WPMP No.25744 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

October 09, 2006

svs